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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,757	12/10/2003	Scan S. Kelley	CS23608RA	6548
20280	7590	07/28/2006	EXAMINER	
MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			WRIGHT, NORMAN M	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/732,757	Applicant(s) KELLEY ET AL.	
	Examiner Norman M. Wright	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


NORMAN M. WRIGHT
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The reply filed on 5/8/06 have been received and entered.

Claim Rejections - 35 USC § 112

2. The 112 2nd rejections are withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-32, are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Hawkes et al., U.S. Pub. No. 2003/0039361, hereinafter '361.
4. As per claims 1-32, Hawkes et al. '361 teach a method and apparatus for security in a data processing system comprising: an encrypted broadcast services, requesting a broadcast transmission, a preliminary short time update key information/ BAK "pstuki", a preview Ci/ broadcast subscription key "Bk", receiving an encrypted broadcast, a registration key/ RD, decrypting the encrypted broadcast using the pstuki, determining a short time update/ key SK "stuk", using the Bk and the pstuki, a user paying, authorizing a user reception, an encrypted stuk or pstuk, or pstuki, an unencrypted stuk or pstuk or pstuki, multiple pstuki, a predetermined time period, preview/predetermined free time period, determining original pstuki or free time period or pstuk date is about to expire, requesting additional pstuki or pstuk or free time period to continue decryption, and a system further comprising: a transmitter, a receiver, a user

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identification module, a secured information module, and a processor. See '361 at abs., figs. 4-17, 19-24, and 27, pg. 1, lines 0006 et seq., pg. 5, lines 0070-0075, pgs.6-10, pg. 11, 0144-0147 et seq., pgs. 14-16, and pgs. 17 at 0273-0281 et seq..

5. Claims 1-5, and 7-9, 11, 13-17, 19-20, 22, are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Akiyama, U.S. Pub. No. 2002/0001386, hereinafter '386.

6. As per claims 1-5, and 7-9, 11, 13-17, 19-20, 22, '386 teach a system for transmitting information provided with means for controlling access comprising: an encrypted broadcast services, requesting a broadcast transmission, a preliminary short time update key information encrypted "pstuki", a preview Ci/ broadcast subscription key/ master key "Bk", receiving an encrypted broadcast, decrypting the encrypted broadcast using the pstuki/ co-operatively 104 and 105, determining a short time update key/ 119 "stuk", using the Bk and the pstuki, a user paying, authorizing a user reception, an encrypted stuk or pstuk, or pstuki, an unencrypted stuk or pstuk or pstuki, multiple pstuki, and a predetermined time period. See '386 at abs., fig. 1-10, 14-18, 24-28 et seq., and pg. 1-2 et seq., pg. lines 0088-093, 0095, lines 0099-0103, pgs. 6-7, pgs. 11-12, pg. 13 at 0186.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, and 7-9, 11, 13-17, 19-20, 22, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Guillon, U.S. Pat. No. 4,323,921, hereinafter '921.

8. As per claims 1-5, and 7-9, 11, 13-17, 19-20, 22, '921 teach a system for transmitting information provided with means for controlling access comprising: an

encrypted broadcast services, requesting a broadcast transmission, a preliminary short time update key information/k encrypted "pstuki", a preview/ broadcast subscription key/ Ci "Bk", receiving an encrypted broadcast/ D co-operatively with 12, decrypting the encrypted broadcast using the pstuki/ co-operatively Ci, Mi and K, determining a short time update key "stuk", using the Bk and the pstuki, a user paying/ charging 112, authorizing a user reception, an encrypted stuk or pstuk, or pstuki, an unencrypted stuk or pstuk or pstuki, multiple pstuki, and a predetermined time period. See '921 at abst., fig. 1, and cols 1-4 et seq..

9. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Alternatively, claims 1-32, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hawkes et al., U.S. Pub. No. 2003/0039361, hereinafter '361.

As per claims 1-32, Hawkes et al. '361 teach a method and apparatus for security in a data processing system comprising: an encrypted broadcast services, requesting a broadcast transmission, a registration key RK, a preliminary short time update key information "pstuki", a preview/ broadcast subscription key "Bk", receiving an encrypted

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broadcast, decrypting the encrypted broadcast using the pstuki, determining a short time update key BAK "stuk", using the Bk and the pstuki, a user paying, authorizing a user reception, an encrypted stuk or pstuk, or pstuki, an unencrypted stuk or pstuk or pstuki, multiple pstuki, a predetermined time period, preview/predetermined free time period, determining original pstuki or free time period or pstuk date is about to expire, requesting additional pstuki or pstuk or free time period to continue decryption, and a system further comprising: a transmitter, a receiver, a user identification module, a secured information module, and a processor. See '361 at abs., figs. 4-17, 19-24, and 27, pg. 1, lines 0006 et seq., pg. 5, lines 0070-0075, pgs.6-10, pg. 11, 0144-0147 et seq., pgs. 14-16, and pgs. 17 at 0273-0281 et seq..

11. Claims 1-5, and 7-9, 11, 13-17, 19-20, 22, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Akiyama, U.S. Pub. No. 2002/0001386, hereinafter '386.

12. Alternatively, as per claims 1-5, and 7-9, 11, 13-17, 19-20, 22, '386 teach a system for transmitting information provided with means for controlling access comprising: an encrypted broadcast services, requesting a broadcast transmission, a preliminary short time update key information encrypted "pstuki", a broadcast preview Ci/ subscription key/ master key "Bk", receiving an encrypted broadcast, decrypting the encrypted broadcast using the pstuki/ co-operatively 104 and 105, determining a short time update key/ 119 "stuk", using the Bk and the pstuki, a user paying, authorizing a user reception, an encrypted stuk or pstuk, or pstuki, an unencrypted stuk or pstuk or pstuki, multiple pstuki, and a predetermined time period. See '386 at abst., fig. 1-10,

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14-18, 24-28 et seq., and pg. 1-2 et seq., pg. lines 0088-093, 0095, lines 0099-0103, pgs. 6-7, pgs. 11-12, pg. 13 at 0186.

Response to Arguments

13. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

As understood from the remarks, applicant has amended the claims to recite a preliminary preview key that is used to encrypt or decrypt the broadcast keys. The use of the preview key is essentially an encryption or decryption use authorization key; as such it fails to distinguish over the combined keys recited and their authorization for encrypted or decrypted messages.

Conclusion

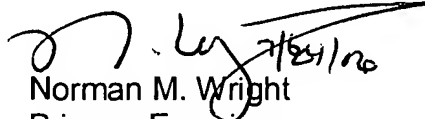
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (571) 272-3844. The examiner can normally be reached on weekdays, from 8AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Norman M. Wright
Primary Examiner
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